

1 The Honorable Ricardo S. Martinez

2

3

4

5

6

7

8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

9 KENNETH FLEMING, JOHN DOE, R.K.  
and T.D.

NO. 04-2338 RSM

10 Plaintiff,

DECLARATION OF BARBARA  
SEARLE

11 v.

12 THE CORPORATION OF THE  
13 PRESIDENT OF THE CHURCH OF  
14 JESUS CHRIST OF LATTER-DAY  
SAINTS, a Utah corporation sole, a/k/a  
"MORMON CHURCH"; LDS SOCIAL  
SERVICES a/k/a LDS FAMILY SERVICES,  
a Utah corporation

15 Defendant.

16

17

18

19 1. I am Barbara Ann Searle, over the age of 18 years, and make this declaration on  
personal knowledge and belief.

20 2. I have known Ken Flemming for many years, from before he was twelve years  
21 old. His parents had a lot of marital problems, and they sent him out at an early age to  
22 make money for the family. We admired the fact that he was a hard-working boy. He  
23 became good friends with all of my daughters, starting with Robin. Ken and his family

DECLARATION OF BARBARA - 1

04-2338 RSM  
7568-025226 56875

STAFFORD FREY COOPER

PROFESSIONAL CORPORATION

601 Union Street, Suite 3100

Seattle WA 98101.1374

TEL 206.623.9900 FAX 206.624.6885

1 were fellow members of our congregation of The Church of Jesus Christ of Latter-day  
2 Saints, in the Kent 2<sup>nd</sup> Ward of the Renton, WA Stake.

3 3. Through the years, Ken was like another member of the family. We took him  
4 camping with us, he would come to our home for Christmas dinner, and whenever he  
5 needed to talk, he would come over to our home. He would talk with me sometimes for  
6 hours, and I was happy to give him a listening ear and understanding heart because I  
7 grew to care for him and to love him in a motherly kind of way. He even would call me  
8 "mom."

9 4. When our daughter Alison was married in 1985, and again when Robin and  
10 Angela were married the next year, in 1986, we invited Ken to come to the private  
11 temple sealing ceremonies, as we regarded him like family. He declined to attend  
12 (although he came to their receptions), because he said that he wanted his marriage to  
13 be the first time he entered a sealing room in a temple.

14 5. After he returned from his mission in 1983, we remained good friends with Ken.  
15 During that period of time, Ken lived for a time with the Morris family, another family he  
16 was close to, because it was too strenuous for him to live with his mother. During this  
17 period of time, our family would sometimes tease Ken about who he was going to  
18 marry. He had been interested in a girl named Marlina Berry, who was serving a  
19 mission. Soon after Marlina came home from her mission, Ken said that he did not  
20 want to get married because he did not know how to tell his wife about the abuse that  
21 had happened to him.

22 6. In the years after Ken returned home from his mission, we continued to have Ken  
23 over for dinner, and he would sometimes talk with me for hours. I was still glad to be a  
sounding board for him because I loved and appreciated him. During this period after  
his mission, Kenny told me in one of our lengthy conversations that Jack LoHolt had  
abused him. He told me through his tears (he was crying) that Jack abused him on

DECLARATION OF BARBARA - 2

04-2338 RSM  
7566-025226 56875

STAFFORD FREY COOPER

PROFESSIONAL CORPORATION  
601 Union Street, Suite 3100  
Seattle WA 98101.1374  
TEL 206.623.9900 FAX 206.624.6885

1 some scout outings. Kenny told me that Jack would get his things wet during some  
2 scout outings so that Kenny had to sleep with Jack. He also told me that while he was  
3 working for Jack, Jack would sometimes abuse him during work. He told me these  
4 things after he had returned from his mission and probably within a year of the time that  
5 Marlina Berry returned home from her mission, which would have been in the late  
6 1980's or early 1990's.

7 7. In one of our lengthy conversations in the late 1980's or early 1990's, Kenny was  
8 very upset, and told me that he had confronted Jack LoHolt, and had told Jack that he  
9 was very angry with Jack for what Jack had done to him. He stated to me that he had  
10 told Jack face-to-face that Jack had "ruined my [Ken's] life." In one of our discussions,  
11 Kenny expressed emotional problems about the abuse. Kenny was at times upset  
12 about his family. He told me that Jack's abuse was the reason why he had a hard time  
13 with relationships with girls. He told me that he hated what Jack had done to him. He  
14 was very angry with Mr. LoHolt about the abuse and what it did to him.

15 8. In approximately 1995, Kenny came to me and told me that he had decided that  
16 he was gay. I replied that I was sad about his decision, but that I loved him, and told  
17 him to be careful. He informed me that he had had his name removed from the records  
18 of the church and that he was waiting for the day when the church would allow  
19 individuals practicing the gay lifestyle to fully participate in the church so that he could  
20 rejoin on that basis. He then told me that he did not believe that the abuse was the  
21 reason why he was gay.

22 9. In 2001, Ken called me and we visited, and I invited him to come to Paula's  
23 wedding here in Utah. He came to the reception. I have had very little contact with Ken  
since that time.

DECLARATION OF BARBARA - 3

04-2338 RSM  
7566-025226 56875

**STAFFORD FREY COOPER**

PROFESSIONAL CORPORATION

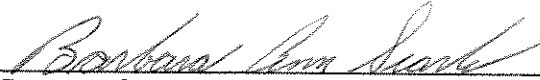
601 Union Street, Suite 3100

Seattle WA 98101.1374

TEL 206.623.9900 FAX 206.624.6855

1  
2  
3 I certify under the laws of the State of Washington and of the United  
States that the foregoing is true and correct.

4 Signed at Salem, Utah this 23 day of December, 2005.

5  
6   
7 Barbara Searle

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
  
DECLARATION OF BARBARA - 4

04-2338 RSM  
7566-025226 36875

STAFFORD FREY COOPER

PROFESSIONAL CORPORATION

601 Union Street, Suite 3100

Seattle WA 98101.1374

TEL 206.623.9900 FAX 206.624.6865